IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.1152 OF 1996

Maharashtra Agricultural Marketing Board — Petitioner

Vs.

Vasant Vinayak Gangarde — Respondent

WITH

WRIT PETITION NO.1153 OF 1996

Maharashtra Agricultural Marketing Board — Petitioner

Vs.

Shri Anand Pandurang Patil — Respondent

Advocates for the petitioner absent.
Mr.K.S.Bapat for respondent in W.P.1152/1996.
Mr.S.S.Pakale for respondent in W.P.1153/1996.

CORAM: B.H.MARLAPALLE,J.
June 10, 2005.

ORAL JUDGMENT:

1. The respondent in Writ Petition No.1152 of 1996 i.e. Shri Vasant Vinayak Gangarde had raised a demand for reinstatement in service with backwages under the Petitioner-Board and the said demand was referred for adjudication in Reference (IDA) No. 98 of 1995. Whereas the similar demand was raised by the respondent in Writ Petition No.1153 of 1996 i.e.

Shri Anand Pandurang Patil which was referred for adjudication in Reference (IDA) No.403 of 1994.

2. In both the References a preliminary point regarding the jurisdiction of the Labour Court to entertain the said Reference on the ground that the Board is not an "Industry" as defined under Section 2(j) of the Industrial Disputes Act, 1947 was raised. In the impugned orders the issue has been answered against the petitioner-Board holding that it is an "Industry" within the meaning of Section 2(j) of the I.D. Act and hence these petitions are being disposed of by this common judgment.

3. Admittedly the petitioner Board is constituted by the Government of Maharashtra under the provisions of the Maharashtra Agricultural Produce Marketing (Regulations) Act, 1963. The Labour Court relied on the decisions of the Supreme Court in the case of Bangalore Water Supply & Sewerage Board v. A. Rajappa reported in **1978 I LLJ 349** and Chief Conservator of Forests Vs. Jagannath Maruti Kondhare reported in **(1996) 2 SCC 293.**and also examined the functions of the Board under the Act. It noted that the Board was carrying out its functions in a

systematic manner and functions of the Board could not be called as sovereign or regal functions of the State.

4. In the case of Agricultural Produce Market Committee v. Ashok Harikuni reported in **AIR 2000 SC 3116** the Supreme Court examined the scheme of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and held that an Agricultural Produce Marketing Committee constituted under the said Act is an "industry" as defined under Section 2(j) of the I.D. Act. This judgment is squarely applicable to the petitioner Board as well.

5. Under the premises the view taken by the Court below on the preliminary point does not call for any interference. In Writ Petition No.1152 of 1996 the interim order was vacated but in Writ Petition No.1153 of 1996 the ex-parte interim order continued to operate. Resultantly the proceedings in the pending References before the learned Labour Court remained dormant. It would be, therefore, necessary to direct the pending References to be decided on merits within a fixed time.

6. Hence the petitions fail and the same are hereby dismissed. Reference (IDA) No.403 of 1994 and Reference (IDA) No.98 of 1995 are directed to be heard and decided expeditiously on their own merits and in any case they shall be finally decided before 31st December 2005.

7. Rule discharged with no order as to costs.

8. Writ to go forthwith.

(B.H.MARLAPALLE,J.)